

EXHIBIT 1

**TO DIAMOND A RANCH, WESTERN DIVISION L.L.C. AND
GUADALUPE RANCH CORPORATION MOTION FOR LEAVE TO INTERVENE
AND BRIEF IN SUPPORT**

Tucson Project 1, 2, 3 FY19 Vehicle and Pedestrian
Barrier Replacement Project (63 Miles)

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TEMPORARY ENVIRONMENTAL CONTROLS 11/15

PART 1 GENERAL

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.

U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

29 CFR 1910.120	Hazardous Waste Operations and Emergency Response
40 CFR 112	Oil Pollution Prevention
40 CFR 122.26	Storm Water Discharges (Applicable to State NPDES Programs, see section 123.25)
40 CFR 260	Hazardous Waste Management System: General
40 CFR 261	Identification and Listing of Hazardous Waste
40 CFR 261.7	Residues of Hazardous Waste in Empty Containers
40 CFR 262	Standards Applicable to Generators of Hazardous Waste
40 CFR 262.31	Standards Applicable to Generators of Hazardous Waste-Labeling
40 CFR 263	Standards Applicable to Transporters of Hazardous Waste
40 CFR 264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR 265	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR 266	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
40 CFR 268	Land Disposal Restrictions
40 CFR 273	Standards For Universal Waste Management
40 CFR 279	Standards for the Management of Used Oil

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40 CFR 300	National Oil and Hazardous Substances Pollution Contingency Plan
40 CFR 300.125	National Oil and Hazardous Substances Pollution Contingency Plan - Notification and Communications
40 CFR 355	Emergency Planning and Notification
40 CFR 50	National Primary and Secondary Ambient Air Quality Standards
40 CFR 60	Standards of Performance for New Stationary Sources
40 CFR 63	National Emission Standards for Hazardous Air Pollutants for Source Categories
40 CFR 64	Compliance Assurance Monitoring
49 CFR 171	General Information, Regulations, and Definitions
49 CFR 172	Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements
49 CFR 173	Shippers - General Requirements for Shipments and Packagings
49 CFR 178	Specifications for Packagings

1.2 DEFINITIONS

1.2.1 Contractor Generated Hazardous Waste

Contractor generated hazardous waste are materials that, if abandoned or disposed of, may meet the definition of a hazardous waste. These waste streams would typically consist of material brought on site by the Contractor to execute work, but are not fully consumed during the course of construction. Examples include, but are not limited to, excess paint thinners (i.e. methyl ethyl ketone, toluene), waste thinners, excess paints, excess solvents, waste solvents, excess pesticides, and contaminated pesticide equipment rinse water.

1.2.2 Environmental Pollution and Damage

Environmental pollution and damage is the presence of chemical, physical, or biological elements or agents which adversely affect human health or welfare; unfavorably alter ecological balances of importance to human life; affect other species of importance to humankind; or degrade the environment aesthetically, culturally or historically.

1.2.3 Environmental Protection

Environmental protection is the prevention/control of pollution and habitat disruption that may occur to the environment during construction.

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The control of environmental pollution and damage requires consideration of land, water, and air; biological and cultural resources; and includes management of visual aesthetics; noise; solid, chemical, gaseous, and liquid waste; radiant energy and radioactive material as well as other pollutants.

1.2.4 Hazardous Debris

As defined in paragraph SOLID WASTE, debris that contains listed hazardous waste (either on the debris surface, or in its interstices, such as pore structure) in accordance with 40 CFR 261. Hazardous debris also includes debris that exhibits a characteristic of hazardous waste in accordance with 40 CFR 261.

1.2.5 Hazardous Materials

Hazardous materials as defined in 49 CFR 171 and listed in 49 CFR 172.

Hazardous material is any material that: Is regulated as a hazardous material in accordance with 49 CFR 173; or requires a Safety Data Sheet (SDS) in accordance with 29 CFR 1910.120; or during end use, treatment, handling, packaging, storage, transportation, or disposal meets or has components that meet or have potential to meet the definition of a hazardous waste as defined by 40 CFR 261 Subparts A, B, C, or D. Designation of a material by this definition, when separately regulated or controlled by other sections or directives, does not eliminate the need for adherence to that hazard-specific guidance which takes precedence over this section for "control" purposes. Such material includes ammunition, weapons, explosive actuated devices, propellants, pyrotechnics, chemical and biological warfare materials, medical and pharmaceutical supplies, medical waste and infectious materials, bulk fuels, radioactive materials, and other materials such as asbestos, mercury, and polychlorinated biphenyls (PCBs).

1.2.6 Hazardous Waste

Hazardous Waste is any material that meets the definition of a solid waste and exhibit a hazardous characteristic (ignitability, corrosivity, reactivity, or toxicity) as specified in 40 CFR 261, Subpart C, or contains a listed hazardous waste as identified in 40 CFR 261, Subpart D.

1.2.7 National Pollutant Discharge Elimination System (NPDES)

The NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

1.2.8 Oily Waste

Oily waste are those materials that are, or were, mixed with Petroleum, Oils, and Lubricants (POLs) and have become separated from that POLs. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with and have been contaminated by, POLs and may be appropriately tested and discarded in a manner which is in compliance with other state and local requirements.

This definition includes materials such as oily rags, "kitty litter" sorbent clay and organic sorbent material. These materials may be land filled provided that: It is not prohibited in other state regulations or

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local ordinances; the amount generated is "de minimus" (a small amount); it is the result of minor leaks or spills resulting from normal process operations; and free-flowing oil has been removed to the practicable extent possible. Large quantities of this material, generated as a result of a major spill or in lieu of proper maintenance of the processing equipment, are a solid waste. As a solid waste, perform a hazardous waste determination prior to disposal. As this can be an expensive process, it is recommended that this type of waste be minimized through good housekeeping practices and employee education.

1.2.9 Regulated Waste

Regulated waste are solid wastes that have specific additional federal, state, or local controls for handling, storage, or disposal.

1.2.10 Sediment

Sediment is soil and other debris that have eroded and have been transported by runoff water or wind.

1.2.11 Solid Waste

Solid waste is a solid, liquid, semi-solid or contained gaseous waste. A solid waste can be a hazardous waste, non-hazardous waste, or non-Resource Conservation and Recovery Act (RCRA) regulated waste. Types of solid waste typically generated at construction sites may include:

1.2.11.1 Debris

Debris is non-hazardous solid material generated during the construction, demolition, or renovation of a structure that exceeds 2.5-inch particle size that is: a manufactured object; plant or animal matter; or natural geologic material (for example, cobbles and boulders), broken or removed concrete, masonry, and rock asphalt paving; ceramics; roofing paper and shingles. Inert materials may be reinforced with or contain ferrous wire, rods, accessories and weldments. A mixture of debris and other material such as soil or sludge is also subject to regulation as debris if the mixture is comprised primarily of debris by volume, based on visual inspection.

1.2.11.2 Green Waste

Green waste is the vegetative matter from landscaping, land clearing and grubbing, including, but not limited to, grass, bushes, scrubs, small trees and saplings, tree stumps and plant roots. Marketable trees, grasses and plants that are indicated to remain, be re-located, or be re-used are not included.

1.2.11.3 Material not regulated as solid waste

Material not regulated as solid waste is nuclear source or byproduct materials regulated under the Federal Atomic Energy Act of 1954 as amended; suspended or dissolved materials in domestic sewage effluent or irrigation return flows, or other regulated point source discharges; regulated air emissions; and fluids or wastes associated with natural gas or crude oil exploration or production.

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1.2.11.4 Non-Hazardous Waste

Non-hazardous waste is waste that is excluded from, or does not meet, hazardous waste criteria in accordance with 40 CFR 263.

1.2.11.5 Recyclables

Recyclables are materials, equipment and assemblies such as doors, windows, door and window frames, plumbing fixtures, glazing and mirrors that are recovered and sold as recyclable, and structural components. It also includes commercial-grade refrigeration equipment with Freon removed, household appliances where the basic material content is metal, clean polyethylene terephthalate bottles, cooking oil, used fuel oil, textiles, high-grade paper products and corrugated cardboard, stackable pallets in good condition, clean crating material, and clean rubber/vehicle tires. Metal meeting the definition of lead contaminated or lead based paint contaminated may not be included as recyclable if sold to a scrap metal company. Paint cans that meet the definition of empty containers in accordance with 40 CFR 261.7 may be included as recyclable if sold to a scrap metal company.

1.2.11.6 Surplus Soil

Surplus soil is existing soil that is in excess of what is required for this work, including aggregates intended, but not used, for on-site mixing of concrete, mortars, and paving. Contaminated soil meeting the definition of hazardous material or hazardous waste is not included and must be managed in accordance with paragraph HAZARDOUS MATERIAL MANAGEMENT.

1.2.11.7 Scrap Metal

This includes scrap and excess ferrous and non-ferrous metals such as reinforcing steel, structural shapes, pipe, and wire that are recovered or collected and disposed of as scrap. Scrap metal meeting the definition of hazardous material or hazardous waste is not included.

1.2.11.8 Wood

Wood is dimension and non-dimension lumber, plywood, chipboard, hardboard. Treated or painted wood that meets the definition of lead contaminated or lead based contaminated paint is not included. Treated wood includes, but is not limited to, lumber, utility poles, crossties, and other wood products with chemical treatment.

1.2.12 Surface Discharge

Surface discharge means discharge of water into drainage ditches, storm sewers, creeks or "waters of the United States". Surface discharges are discrete, identifiable sources and require a permit from the governing agency. Comply with federal, state, and local laws and regulations.

1.2.13 Wastewater

Wastewater is the used water and solids from a community that flow to a treatment plant.

1.2.13.1 Stormwater

Stormwater is any precipitation in an urban or suburban area that does not

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evaporate or soak into the ground, but instead collects and flows into storm drains, rivers, and streams.

1.2.14 Waters of the United States

Waters of the United States means Federally jurisdictional waters, including wetlands, that are subject to regulation under Section 404 of the Clean Water Act or navigable waters, as defined under the Rivers and Harbors Act.

1.2.15 Wetlands

Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

1.2.16 Universal Waste

The universal waste regulations streamline collection requirements for certain hazardous wastes in the following categories: batteries, pesticides, mercury-containing equipment (for example, thermostats), and lamps (for example, fluorescent bulbs). The rule is designed to reduce hazardous waste in the municipal solid waste (MSW) stream by making it easier for universal waste handlers to collect these items and send them for recycling or proper disposal. These regulations can be found at [40 CFR 273](#).

1.3 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. Submit the following in accordance with Section [01 33 00 SUBMITTAL PROCEDURES](#):

[SD-01 Preconstruction Submittals](#)

[Environmental Protection Plan; G](#)

[Stormwater Notice of Intent](#) (for NPDES coverage under the general permit for construction activities); [G](#)

[Solid Waste Management Permit ; G](#)

[Solid Waste Disposal Report; G](#)

[Inspection Reports; G](#)

[SD-11 Closeout Submittals](#)

[Stormwater Pollution Prevention Plan Compliance Notebook; G](#)

[Stormwater Notice of Termination](#) (for NPDES coverage under the general permit for construction activities); [G](#)

[Waste Determination Documentation; G](#)

1.4 ENVIRONMENTAL PROTECTION REQUIREMENTS

The Government will provide the Contractor with an Environmental Waiver

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and the Border Patrol (BP) best management practices (BMPs) that will minimize or avoid environmental impacts prior to the issuance of Notice to Proceed. The Environmental Waiver will provide clarification regarding which laws, regulations, and requirements that are waived by the Government for construction of this project. Refer to Appendix C - Environmental Waiver for additional clarification. The Contractor will be responsible for:

- (1) obtaining any necessary permits not covered under the Environmental Waiver and are specifically required herein;
- (2) the development of any plans, such as a Storm Water Pollution Prevention Plan (SWPPP), that are necessary to minimize or avoid environmental impacts; and
- (3) the implementation of BP BMPs and BMPs in general.

During the construction process, adhere to and implement any environmental protection requirements that arise out of such permits or plans and the BMPs that are required by the Government. Compliance with environmental protection requirements and BMPs could impact the overall schedule and completion of the project.

Provide and maintain, during the life of the contract, environmental protection as defined. Plan for and provide environmental protective measures to control pollution that develops during construction practice. Plan for and provide environmental protective measures required to correct conditions that develop during the construction of permanent or temporary environmental features associated with the project. Protect the environmental resources within the project boundaries and those affected outside the limits of permanent work during the entire duration of this Contract.

Tests and procedures assessing whether construction operations comply with applicable environmental laws may be required. Analytical work must be performed by qualified laboratories; and where required by law, the laboratories must be certified.

1.4.1 Conformance with Border Patrol's Best Management Practices (BP BMPs)

Perform work under this contract consistent with the policy and objectives identified by the BP BMPs provided in Section 01 11 00 SUMMARY OF WORK; and the requirements herein. Perform work in a manner that conforms to objectives and targets of the environmental programs and operational controls identified by the BP BMPs. Support Government personnel when environmental compliance and BP BMPs inspections are conducted at the Project site, answering questions, and providing proof of records being maintained. Provide monitoring and measurement information as necessary to address environmental performance relative to environmental, energy, and transportation management goals. In the event a BP BMPs nonconformance or environmental noncompliance associated with the contracted services, tasks, or actions occurs, take corrective and preventative actions. In addition, employees must be aware of their roles and responsibilities under the BP BMPs and of how these BP BMPs roles and responsibilities affect work performed under the contract.

Coordinate with the BP environmental coordinator (when necessary) to identify training needs associated with environmental aspects of the project and the BP BMPs, and arrange training or take other action to meet these needs. Provide training documentation to the Contracting Officer.

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1.5 SPECIAL ENVIRONMENTAL REQUIREMENTS

Comply with the Border Patrol Best Management Practices listed in Section 01 11 00 SUMMARY OF WORK and requirements specified in this section.

1.6 ENVIRONMENTAL PROTECTION PLAN

The purpose of the EPP is to present an overview of known or potential environmental issues that must be considered and addressed during construction. Incorporate construction related objectives and targets from the BP BMPs into the EPP. Include in the EPP measures for protecting natural and cultural resources, required reports, and other measures to be taken. Meet with the Contracting Officer or Contracting Officer Representative to discuss the EPP and develop a mutual understanding relative to the details for environmental protection including measures for protecting natural resources, required reports, and other measures to be taken. Submit the [Environmental Protection Plan](#) within no less than 10 days before the preconstruction meeting. Revise the EPP throughout the project to include any reporting requirements, changes in site conditions, or contract modifications that change the project scope of work in a way that could have an environmental impact. No requirement in this section will relieve the Contractor of any applicable federal, state, and local environmental protection laws and regulations. During Construction, identify, implement, and submit for approval any additional requirements to be included in the EPP. Maintain the current version onsite.

The EPP includes, but is not limited to, the following elements:

1.6.1 General Overview and Purpose

1.6.1.1 Descriptions

A brief description of each specific plan required in this Contract such as stormwater pollution prevention plan or the integration of the EPP, the BP BMPs, and the conditions indentified in Appendix D.

1.6.1.2 Duties

The duties and level of authority assigned to the person(s) on the job site overseeing environmental compliance, such as who is responsible for adherence to the EPP, who is responsible for spill cleanup and training personnel on spill response procedures, who is responsible for manifesting hazardous waste to be removed from the site (if applicable), and who is responsible for training the Contractor's environmental protection personnel.

1.6.1.3 Procedures

A copy of any standard or project-specific operating procedures that will be used to effectively manage and protect the environment on the project site.

1.6.1.4 Communications

Communication and training procedures that will be used to convey environmental management requirements to Contractor employees and subcontractors.

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1.6.1.5 Contact Information

Emergency contact information contact information (office phone number, cell phone number, and e-mail address).

1.6.2 General Site Information

1.6.2.1 Drawings

Include drawings showing locations of proposed temporary excavations or embankments for haul roads, stream and arroyo crossings, material storage areas, structures, sanitary facilities, and stockpiles of excess soil.

1.6.2.2 Work Area

Include a work area plan showing the proposed activity in each portion of the area and identify the areas of limited use or nonuse. Include measures for marking the limits of use areas, including methods for protection of features to be preserved within authorized work areas and methods to control runoff and to contain materials on site, and a traffic control plan.

1.6.2.3 Documentation

Include a letter signed by an officer of the firm appointing the Environmental Manager and stating that person is responsible for managing and implementing the Environmental Program as described in this contract. Include in this letter the Environmental Manager's authority to direct the removal and replacement of non-conforming work.

1.6.3 Management of Natural Resources

Include the following as applicable:

- a. Land resources
- b. Temporary construction
- c. Stream crossings
- d. Fish and wildlife resources

1.6.4 Protection of Historical and Archaeological Resources

Include the following as applicable:

- a. Objectives
- b. Methods

1.6.5 Stormwater Management and Control

Include the following as applicable:

- a. Ground cover
- b. Erodible soils
- c. Temporary measures

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(1) Structural Practices

(2) Temporary and permanent stabilization

- d. Effective selection, implementation and maintenance of Best Management Practices (BMPs) and Border Patrol's BMPs.

1.6.6 Protection of the Environment from Waste Derived from Contractor Operations

Describe control and disposal of solid and sanitary waste and hazardous waste.

This item consist of the management procedures for hazardous waste to be generated. As a minimum, include the following:

- a. List of the types of hazardous wastes expected to be generated
- b. Procedures to ensure a written waste determination is made for appropriate wastes that are to be generated
- c. Sampling/analysis plan, including laboratory method(s) that will be used for waste determinations and copies of relevant laboratory certifications
- d. Methods and proposed locations for hazardous waste accumulation/storage (that is, in tanks or containers)
- e. Management procedures for storage, labeling, transportation, and disposal of waste (treatment of waste is not allowed unless specifically noted)
- f. Management procedures and regulatory documentation ensuring disposal of hazardous waste complies with Land Disposal Restrictions (40 CFR 268)
- g. Management procedures for recyclable hazardous materials such as lead-acid batteries, used oil, and similar
- h. Used oil management procedures in accordance with 40 CFR 279; Hazardous waste minimization procedures
- i. Plans for the disposal of hazardous waste by permitted facilities; and Procedures to be employed to ensure required employee training records are maintained.

1.6.7 Prevention of Releases to the Environment

Include procedures to prevent releases to the environment and provide notifications in the event of a release to the environment.

1.6.8 Clean Air Act Compliance

1.6.8.1 Haul Route

As a part of the Offsite Haul Routes Plan submitted in accordance with the Section 01 50 00 TEMPORARY FACILITIES AND CONTROLS, include provisions for controlling dirt, debris, and dust on public or private roadways. As a

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minimum, identify in the plan the subcontractor and equipment for cleaning along the haul route and measures to reduce dirt, dust, and debris from roadways.

1.6.8.2 Pollution Generating Equipment

Identify air pollution generating equipment or processes that may require federal, state, or local permits under the Clean Air Act. Determine requirements based on any current permits and the impacts of the project. Provide a list of all fixed or mobile equipment, machinery or operations that could generate air emissions during the project to the Contracting Officer.

1.6.8.3 Stationary Internal Combustion Engines

Identify portable and stationary internal combustion engines that will be supplied, used or serviced. Comply with 40 CFR 60 Subpart IIII, 40 CFR 60 Subpart JJJJ, 40 CFR 63 Subpart ZZZZ, and local regulations as applicable. At minimum, include the make, model, serial number, manufacture date, size (engine brake horsepower), and EPA emission certification status of each engine. Maintain applicable records and log hours of operation and fuel use. Logs must include reasons for operation and delineate between emergency and non-emergency operation.

1.6.8.4 Air Pollution-Generating Processes

Identify planned air pollution-Generating processes and management control measures (including, but not limited to, spray painting, abrasive blasting, demolition, material handling, fugitive dust, and fugitive emissions). Log hours of operations and track quantities of materials used.

1.6.8.5 Compliant Materials

Provide the Government a list of and SDSs for all hazardous materials proposed for use on site. Materials must be compliant with all Clean Air Act regulations for emissions including solvent and volatile organic compound contents, and applicable National Emission Standards for Hazardous Air Pollutants requirements. The Government may alter or limit use of specific materials as needed to best accomodate requirements for emissions.

1.7 ENVIRONMENTAL RECORDS BINDER

Maintain on-site a separate three-ring Environmental Records Binder and submit at the completion of the project. Make separate parts within the binder that correspond to each submittal listed under paragraph CLOSEOUT SUBMITTALS in this section.

1.8 SOLID WASTE MANAGEMENT PERMIT

Provide the Contracting Officer with written notification of the quantity of anticipated solid waste or debris that is anticipated or estimated to be generated by construction. Include in the report the locations where various types of waste will be disposed or recycled. Include letters of acceptance from the receiving location or as applicable; submit one copy of the receiving location state and local [Solid Waste Management Permit](#) or license showing the Border Patrols approval of the disposal plan before transporting wastes off Government property.

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1.8.1 Solid Waste Disposal Report

Monthly, submit a [Solid Waste Disposal Report](#) to the Contracting Officer. For each waste, the report will state the classification (using the definitions provided in this section), amount, location, and name of the business receiving the solid waste.

PART 2 PRODUCTS

Not Used.

PART 3 EXECUTION

3.1 PROTECTION OF NATURAL RESOURCES

Minimize interference with, disturbance to, and damage to fish, wildlife, and plants, including their habitats. Prior to the commencement of activities, consult with the Border Patrol (and potentially the state fish and game department), regarding rare species or sensitive habitats that need to be protected. The protection of rare, threatened, and endangered animal and plant species identified, including their habitats, is the Contractor's responsibility.

Preserve the natural resources within the project boundaries and outside the limits of permanent work. Restore to an equivalent or improved condition upon completion of work that is consistent with the requirements of the Border Patrol or as otherwise specified herein. Confine construction activities to within the limits of the work indicated or specified.

3.1.1 Flow Ways

Do not alter water flows or otherwise significantly disturb the native habitat adjacent to the project and critical to the survival of wildlife, except as specified and permitted.

3.1.2 Vegetation

Except in areas to be cleared, do not remove, cut, deface, injure, or destroy trees or shrubs without the Contracting Officer's permission. Do not fasten or attach ropes, cables, or guys to existing nearby trees for anchorages unless authorized by the Contracting Officer. Where such use of attached ropes, cables, or guys is authorized, the Contractor is responsible for any resultant damage.

Protect existing trees that are to remain to ensure they are not injured, bruised, defaced, or otherwise damaged by construction operations. Remove displaced rocks from uncleared areas. Coordinate with the Contracting Officer to determine appropriate action for trees and other landscape features scarred or damaged by equipment operations.

3.1.3 Streams

Stream crossings must allow movement of materials or equipment without intentionally violating water pollution control standards of the federal, state, and local governments.

The Contracting Officer's approval is required before any equipment will

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be permitted to ford live streams. In areas where frequent crossings are required, install temporary culverts or bridges. Obtain Contracting Officer's approval prior to installation of any of these measures. Remove temporary culverts or bridges upon completion of work, and repair the area to its original condition unless otherwise required by the Contracting Officer.

3.2 STORMWATER

Do not discharge stormwater from construction sites to sanitary sewers. If the water is noted or suspected of being contaminated, it may only be released as directed by the Contracting Officer. Obtain authorization in advance from the Contracting Officer for any release of contaminated water.

3.2.1 Construction General Permit

Provide a Construction General Permit as required by EPA General Permit. Under the terms and conditions of the permit, install, inspect, maintain BMPs, prepare stormwater erosion and sediment control inspection reports, and submit SWPPP inspection reports. Maintain construction operations and management in compliance with the terms and conditions of the general permit for stormwater discharges from construction activities.

3.2.1.1 Arizona

3.2.1.1.1 Regulatory Requirements for the Notice of Intent (NOI)

Submit a vicinity map and a NOI to the Arizona Department of Environmental Quality (ADEQ). If discharges to a unique or impaired water body are proposed, submit the SWPPP along with the NOI. See the General Permit for instructions. Submit Notice of Termination (NOT) to ADEQ within 30 days after permit conditions have been met.

Arizona Pollutant Discharge Elimination System General Permit for Dischargers from Construction Activities to Water of the United States 2008, Permit No. AZG2013-001 expires June 2, 2018

http://www.azdeq.gov/envIRON/water/permits/download/2013_cgp.pdf

3.2.1.2 Stormwater Pollution Prevention Plan

Submit a project-specific Stormwater Pollution Prevention Plan (SWPPP) to the Contracting Officer for approval, prior to the commencement of work. The SWPPP must meet the requirements of 40 CFR 122.26 and the EPA General Permit for stormwater discharges from construction sites.

Include the following:

- a. Comply with terms of the EPA general permit for stormwater discharges from construction activities. Prepare SWPPP in accordance with EPA requirements. Use EPA guide Developing your Stormwater Pollution Prevention Plan located at

<http://water.epa.gov/polwaste/npdes/stormwater/Stormwater-Pollution-Prevention-Plans-for-Construction-Activities.cfm>

to prepare the SWPPP.

- b. Select applicable BMPs from EPA Fact Sheets located at

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<http://water.epa.gov/polwaste/npdes/swbmp/Construction-Site-StormWater-Run-Off-Control.cfm>

or in accordance with applicable state or local requirements.

- c. Include a completed copy of the Notice of Intent, BMP Inspection Report Template, and Stormwater Notice of Termination, except for the effective date.

3.2.1.3 Stormwater Notice of Intent for Construction Activities

Prepare and submit the [Stormwater Notice of Intent](#) for NPDES coverage under the general permit for construction activities to the Contracting Officer for review.

Submit the NOI and appropriate permit fees onto the appropriate federal agency. Maintain a copy of the SWPPP at the onsite construction office, and continually update as required, reflecting current site conditions.

3.2.1.4 Inspection Reports

Submit [Inspection Reports](#) to the Contracting Officer in accordance with EPA Construction General Permit.

3.2.1.5 Stormwater Pollution Prevention Plan Compliance Notebook

Create and maintain a three ring binder of documents that demonstrate compliance with the Construction General Permit. Include a copy of the permit Notice of Intent, proof of permit fee payment, SWPPP and SWPPP update amendments, inspection reports and related corrective action records, copies of correspondence with the EPA, and a copy of the permit Notice of Termination in the binder. At project completion, the notebook becomes property of the Government. Provide the compliance notebook to the Contracting Officer.

3.2.1.6 Stormwater Notice of Termination for Construction Activities

Submit a [Stormwater Notice of Termination](#) to the Contracting Officer once construction is complete and final stabilization has been achieved on all portions of the site for which the permittee is responsible. Once approved, submit the Notice of Termination to the appropriate federal agency.

3.2.2 Erosion and Sediment Control Measures

Provide erosion and sediment control measures in accordance with state and local laws and regulations and the BP BMPs. Preserve vegetation to the maximum extent practicable.

Erosion control inspection reports may be compiled as part of a stormwater pollution prevention plan inspection reports.

3.2.3 Work Area Limits

Mark the areas that need not be disturbed under this Contract prior to commencing construction activities. Mark or fence isolated areas within the general work area that are not to be disturbed. Protect monuments and markers before construction operations commence. Where construction

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operations are to be conducted during darkness, any markers must be visible in the dark. Personnel must be knowledgeable of the purpose for marking and protecting particular objects.

3.2.4 Contractor Facilities and Work Areas

Place field offices, staging areas, stockpile storage, and temporary buildings in areas directed by the Contracting Officer. Move or relocate the Contractor facilities only when approved by the Government. Provide erosion and sediment controls for onsite borrow and spoil areas to prevent sediment from entering nearby waters. Control temporary excavation and embankments for plant or work areas to protect adjacent areas.

3.3 SURFACE AND GROUNDWATER

3.3.1 Cofferdams, Diversions, and Dewatering

Construction operations for dewatering, removal of cofferdams, tailrace excavation, and tunnel closure must be constantly controlled. Do not discharge excavation ground water to the sanitary sewer, storm drains, or to surface waters without prior specific authorization in writing. Discharge of hazardous substances will not be permitted under any circumstances. Use sediment control BMPs to prevent construction site runoff from directly entering any storm drain or surface waters.

If the construction dewatering is noted or suspected of being contaminated, it may only be released to the storm drain system if the discharge is specifically permitted. Obtain authorization for any contaminated groundwater release in advance from the Border Patrol. Discharge of hazardous substances will not be permitted under any circumstances.

3.3.2 Waters of the United States

Do not enter, disturb, destroy, or allow discharge of contaminants into waters of the United States.

3.4 PROTECTION OF CULTURAL RESOURCES

3.4.1 Archaeological Resources

If, during excavation or other construction activities, any previously unidentified or unanticipated historical, archaeological, and cultural resources are discovered or found, activities that may damage or alter such resources will be suspended. Resources covered by this paragraph include, but are not limited to: any human skeletal remains or burials; artifacts; shell, midden, bone, charcoal, or other deposits; rock or coral alignments, pavings, fence, or other constructed features; and any indication of agricultural or other human activities. Upon such discovery or find, immediately notify the Contracting Officer and Border Patrol so that the appropriate authorities may be notified and a determination made as to their significance and what, if any, special disposition of the finds should be made. Cease all activities that may result in impact to or the destruction of these resources. Secure the area and prevent employees or other persons from trespassing on, removing, or otherwise disturbing such resources. The Government retains ownership and control over archaeological resources. Archeological investigations, including on-site monitoring of construction, must be supervised by an archeologist (PI, PA) who meets the U.S. Secretary of the Interior's Professional

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Qualification Standards for Archeology (48 FR 22716 or 36 CFR Part 61).

3.5 AIR RESOURCES

Equipment operation, activities, or processes will be in accordance with
40 CFR 64.

3.5.1 Preconstruction Air Permits

Notify the Contracting Officer prior to bringing equipment, assembled or
unassembled, onto the jobsite.

3.5.2 Burning

Burning is prohibited on the Government premises.

3.5.3 Dust Control

Keep dust down at all times, including during nonworking periods. Dry
power brooming will not be permitted. Instead, use vacuuming, wet
mopping, wet sweeping, or wet power brooming. Air blowing will be
permitted only for cleaning nonparticulate debris such as steel
reinforcing bars. Only wet cutting will be permitted for cutting concrete
blocks, concrete, and bituminous concrete. Do not unnecessarily shake
bags of cement, concrete mortar, or plaster.

3.5.3.1 Particulates

Dust particles, aerosols and gaseous by-products from construction
activities, and processing and preparation of materials (such as from
asphaltic batch plants) must be controlled at all times, including
weekends, holidays, and hours when work is not in progress. Maintain
excavations, stockpiles, haul roads, permanent and temporary access roads,
plant sites, spoil areas, borrow areas, and other work areas within or
outside the project boundaries free from particulates that would exceed
40 CFR 50, or that would cause a hazard or a nuisance. Sprinkling,
chemical treatment of an approved type, baghouse, scrubbers, electrostatic
precipitators, or other methods will be permitted to control particulates
in the work area. Sprinkling, to be efficient, must be repeated to keep
the disturbed area damp. Provide sufficient, competent equipment
available to accomplish these tasks. Perform particulate control as the
work proceeds and whenever a particulate nuisance or hazard occurs.
Comply with visibility requirements provided by the Contracting Officer.

3.6 WASTE MINIMIZATION

Minimize the use of hazardous materials and the generation of waste.
Include procedures for pollution prevention/ hazardous waste minimization
in the EPP. Describe the anticipated types of the hazardous materials to
be used in the construction when requesting information.

3.6.1 Salvage, Reuse and Recycle

Identify anticipated materials and waste for salvage, reuse, and
recycling. Describe actions to promote material reuse, resale or
recycling. To the extent practicable, all scrap metal must be sent for
reuse or recycling and will not be disposed of in a landfill.

Include the name, physical address, and telephone number of the hauler, if

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transported by a franchised solid waste hauler. Include the destination and, unless exempted, provide a copy of the state or local permit (cover) or license for recycling.

3.7 BORROW SOURCE SOILS

All borrow soils must comply with the requirements herein and as follows:

3.7.1 Requirements for Offsite Soils from Non-Commercial Borrow Sources

Offsite soils from non-commercial borrow sites must be certified for use in one of the following ways:

- a. Conduct a Phase 1 Environmental Site Assessment (ESA) in accordance with ASTM 1527-05 or 2247-08 (depending on the locality of the borrow area) on the borrow area to prove that the borrow area has had no impact from industrial, chemical or waste disposal activities.
- b. Test the borrow soils for Total Petroleum Hydrocarbons (TPH EPA Method 418.1), Semi Volatile Organics (EPA Method 8270D), Volatile Organics (EPA Method 8260B), Pesticides (EPA Method 8081A), Herbicides (EPA Method 8151A), Polychlorinated Biphenyls (PCB EPA Method 8082) and the Priority Pollutant Metals (EPA Method 245.1). Representative discrete samples must be of actual borrow material to be used for project, be collected at the borrow area while the potential fill material is still in place, and analyzed prior to removal from the borrow area. Conduct testing and sampling no more than 6 months prior to the use of the borrow soil. Composite sampling for fill material is not appropriate as losses of volatile and semi-volatile analytes can occur. The number of samples required must be in accordance with the following Sampling Frequency Table.

Area of Individual Borrow Area	Sampling Requirements
2 Acres or Less	Minimum of 4 Discrete Samples
2 to 4 Acres	Minimum of 1 Discrete Sample Every Acre
4 to 10 Acres	Minimum of 8 Discrete Samples
Greater than 10 Acres	Minimum of 8 Discrete Samples with 4 Subsamples per Location
Volume of Borrow Area Stockpile	Samples per Volume
Up to 1,000 Cubic Yards (~ 1,500 Tons)	1 Sample/250 Cubic Yards (~375 Tons)
1,000 to 5,000 Cubic Yards	4 Samples for first 1000 Cubic Yards + 1 Sample per each additional 500 CY
Greater than 5,000 Cubic Yards	12 Samples for First 5,000 CY + 1 Sample for Each Additional 1,000 CY

Provide the results of the Borrow Area Phase 1 ESA and/or analytical soil testing to the Contracting Officer and Environmental Engineering within 10 calendar days of conclusion of Phase 1 ESA/results or analytical testing. Provide the analytical results as a standard laboratory data package, including a summary of the Quality Assurance/Quality Control (QA/QC) sample results. The sample results must accompany all analytical reports.

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Do not transport offsite non-commercial borrow material onsite until the use of this material has been approved by the Contracting Officer.

3.7.2 Requirements for Off-Site Soils from Commercial Borrow Sources

Provide certification from the commercial borrow source that the borrow material is free of all contamination. Do not transport any off-site commercial borrow material until the use of this material is approved by the Contracting Officer.

3.7.3 Soils from a Non-Commercial Borrow Source

Obtain approval from the Contracting Officer before any onsite soils are used for project construction purposes. Any onsite soils used must meet the geotechnical requirements as specified in the Contractor's specification section for Earthwork and the provisions of paragraph REQUIREMENTS FOR OFF-SITE SOILS FROM NON-COMMERCIAL BORROW SOURCES.

3.8 WASTE MANAGEMENT AND DISPOSAL

3.8.1 Waste Determination Documentation

Complete a Waste Determination form (provided at the preconstruction conference) for Contractor-derived wastes to be generated. All potentially hazardous solid waste streams that are not subject to a specific exclusion or exemption from the hazardous waste regulations (e.g. scrap metal, domestic sewage) or subject to special rules, (lead-acid batteries and precious metals) must be characterized in accordance with the requirements of 40 CFR 261. Base waste determination on user knowledge of the processes and materials used, and analytical data when necessary. Attach support documentation to the Waste Determination form. As a minimum, provide a Waste Determination form for the following waste (this listing is not inclusive): oil- and latex -based painting and caulking products, solvents, adhesives, aerosols, petroleum products, and containers of the original materials.

3.8.2 Control and Management of Hazardous Waste

Do not dispose of hazardous waste on Government property. Do not discharge any waste to a sanitary sewer, storm drain, or to surface waters or conduct waste treatment or disposal on Government property without written approval of the Contracting Officer.

3.8.2.1 Hazardous Waste/Debris Management

Identify construction activities that will generate hazardous waste or debris. Provide a documented waste determination for resultant waste streams. Identify, label, handle, store, and dispose of hazardous waste or debris in accordance with 40 CFR 261, 40 CFR 262, 40 CFR 263, 40 CFR 264, 40 CFR 265, 40 CFR 266, and 40 CFR 268.

Manage hazardous waste in accordance with the EPP. Store hazardous wastes in approved containers in accordance with 49 CFR 173 and 49 CFR 178. Hazardous waste generated within the confines of Government facilities is identified as being generated by the Government. Prior to removal of any hazardous waste from Government property, hazardous waste manifests must be signed by the Contracting Officer. Do not bring hazardous waste onto Government property. Provide the Contracting Officer with a copy of waste

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determination documentation for any solid waste streams that have any potential to be hazardous waste or contain any chemical constituents listed in 40 CFR 372-SUBPART D.

3.8.2.2 Hazardous Waste Disposal

3.8.2.2.1 Responsibilities for Contractor's Disposal

Provide hazardous waste manifest to the Contracting Officer for review, approval, and signature prior to shipping waste off Government property.

3.8.2.2.1.1 Services

Provide service necessary for the final treatment or disposal of the hazardous material or waste in accordance with 40 CFR 260, local, and state, laws and regulations, and the terms and conditions of the Contract within 60 days after the materials have been generated. These services include necessary personnel, labor, transportation, packaging, detailed analysis (if required for disposal or transportation, include manifesting or complete waste profile sheets, equipment, and compile documentation).

3.8.2.2.1.2 Samples

Obtain a representative sample of the material generated for each job done to provide waste stream determination.

3.8.2.2.1.3 Analysis

Analyze each sample taken and provide analytical results to the Contracting Officer. See paragraph WASTE DETERMINATION DOCUMENTATION.

3.8.2.2.1.4 Labeling

Determine the Department of Transportation's (DOT's) proper shipping names for waste (each container requiring disposal) and demonstrate to the Contracting Officer how this determination is developed and supported by the sampling and analysis requirements contained herein. Label all containers of hazardous waste with the words "Hazardous Waste" or other words to describe the contents of the container in accordance with 40 CFR 262.31 and applicable state or local regulations.

3.8.3 Releases/Spills of Oil and Hazardous Substances

3.8.3.1 Response and Notifications

Exercise due diligence to prevent, contain, and respond to spills of hazardous material, hazardous substances, hazardous waste, sewage, regulated gas, petroleum, lubrication oil, and other substances regulated in accordance with 40 CFR 300. Maintain spill cleanup equipment and materials at the work site. In the event of a spill, take prompt, effective action to stop, contain, curtail, or otherwise limit the amount, duration, and severity of the spill/release. In the event of any releases of oil and hazardous substances, chemicals, or gases; immediately (within 15 minutes) notify the Contracting Officer and facility owner (International Boundary and Water Commission) in addition to the National Response Center.

Submit verbal and written notifications as required by the federal (40 CFR 300.125 and 40 CFR 355), state, local regulations and

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instructions. Provide copies of the written notification and documentation that a verbal notification was made within 20 days. Spill response must be in accordance with 40 CFR 300 and applicable state and local regulations. Contain and clean up these spills without cost to the Government.

3.8.3.2 Clean Up

Clean up hazardous and non-hazardous waste spills. Reimburse the Government for costs incurred including sample analysis materials, clothing, equipment, and labor if the Government will initiate its own spill cleanup procedures, for Contractor-responsible spills, when: Spill cleanup procedures have not begun within one hour of spill discovery/occurrence; or, in the Government's judgment, spill cleanup is inadequate and the spill remains a threat to human health or the environment.

3.9 HAZARDOUS MATERIAL MANAGEMENT

Include hazardous material control procedures in the Safety Plan, in accordance with Section 01 35 26 GOVERNMENTAL SAFETY REQUIREMENTS. Address procedures and proper handling of hazardous materials, including the appropriate transportation requirements. Do not bring hazardous material onto Government property that does not directly relate to requirements for the performance of this contract. Submit an SDS and estimated quantities to be used for each hazardous material to the Contracting Officer prior to bringing the material on the jobsite. Typical materials requiring SDS and quantity reporting include, but are not limited to, oil and latex based painting and caulking products, solvents, adhesives, aerosol, and petroleum products. Use hazardous materials in a manner that minimizes the amount of hazardous waste generated. Containers of hazardous materials must have National Fire Protection Association labels or their equivalent. Certify that hazardous materials removed from the site are hazardous materials and do not meet the definition of hazardous waste, in accordance with 40 CFR 261.

3.10 PREVIOUSLY USED EQUIPMENT

Clean previously used construction equipment prior to bringing it onto the project site. Equipment must be free from soil residuals, egg deposits from plant pests, noxious weeds, and plant seeds. Consult with the U.S. Department of Agriculture jurisdictional office for additional cleaning requirements.

3.11 PETROLEUM, OIL, LUBRICANT (POL) STORAGE AND FUELING

POL products include flammable or combustible liquids, such as gasoline, diesel, lubricating oil, used engine oil, hydraulic oil, mineral oil, and cooking oil. Store POL products and fuel equipment and motor vehicles in a manner that affords the maximum protection against spills into the environment. Manage and store POL products in accordance with EPA 40 CFR 112, and other federal laws and regulations. Use secondary containments, dikes, curbs, and other barriers, to prevent POL products from spilling and entering the ground, storm or sewer drains, stormwater ditches or canals, or navigable waters of the United States. Describe in the EPP (see paragraph ENVIRONMENTAL PROTECTION PLAN) how POL tanks and containers must be stored, managed, and inspected and what protections must be provided.

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3.11.1 Used Oil Management

Manage used oil generated on site in accordance with 40 CFR 279. Determine if any used oil generated while onsite exhibits a characteristic of hazardous waste. Used oil containing 1,000 parts per million of solvents is considered a hazardous waste and disposed of at the Contractor's expense. Used oil mixed with a hazardous waste is also considered a hazardous waste. Dispose in accordance with paragraph HAZARDOUS WASTE DISPOSAL.

3.11.2 Oil Storage Including Fuel Tanks

Provide secondary containment and overfill protection for oil storage tanks. A berm used to provide secondary containment must be of sufficient size and strength to contain the contents of the tanks plus 5 inches freeboard for precipitation. Construct the berm to be impervious to oil for 72 hours that no discharge will permeate, drain, infiltrate, or otherwise escape before cleanup occurs. Use drip pans during oil transfer operations; adequate absorbent material must be onsite to clean up any spills and prevent releases to the environment. Cover tanks and drip pans during inclement weather. Provide procedures and equipment to prevent overfilling of tanks. If tanks and containers with an aggregate aboveground capacity greater than 1320 gallons will be used onsite (only containers with a capacity of 55 gallons or greater are counted), provide and implement a SPCC plan meeting the requirements of 40 CFR 112. Do not bring underground storage tanks to the project site for Contractor use during a project. Submit the SPCC plan to the Contracting Officer for approval.

Monitor and remove any rainwater that accumulates in open containment dikes or berms. Inspect the accumulated rainwater prior to draining from a containment dike to the environment, to determine there is no oil sheen present.

3.12 INADVERTENT DISCOVERY OF PETROLEUM-CONTAMINATED SOIL OR HAZARDOUS WASTES

If petroleum-contaminated soil, or suspected hazardous waste is found during construction that was not identified in the Contract documents, immediately notify the Contracting Officer. Do not disturb this material until authorized by the Contracting Officer.

3.13 SOUND INTRUSION

Make the maximum use of low-noise emission products, as certified by the EPA. Blasting or use of explosives are not permitted without written permission from the Contracting Officer, and then only during the designated times. Confine pile-driving operations to the period between 8 a.m. and 5 p.m., Monday through Friday, exclusive of holidays, unless otherwise specified.

Keep construction activities under surveillance and control to minimize environment damage by noise. Comply with the provisions of the State in which work is being conducted.

3.14 POST CONSTRUCTION CLEANUP

Clean up areas used for construction in accordance with Contract Clause:

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"Cleaning Up". Unless otherwise instructed in writing by the Contracting Officer, remove traces of temporary construction facilities such as haul roads, work area, structures, foundations of temporary structures, stockpiles of excess or waste materials, and other vestiges of construction prior to final acceptance of the work. Grade parking area and similar temporarily used areas to conform with surrounding contours.

-- End of Section --